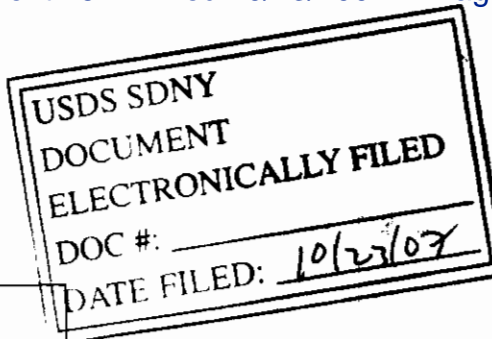


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



**General Capital Partners, LLC,**

**Plaintiff,**

**-v-**

**Liberty Ridge, LLC,**

**Defendant.**

Case No. 07 Civ. 4089 (RJS)

CASE MANAGEMENT AND  
SCHEDULING ORDER  
ECF

RICHARD J. SULLIVAN, District Judge:

The following Case Management Plan and Scheduling Order is adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure:

1. All parties do not consent to trial by Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is not to be tried to a jury.
3. No additional parties may be joined on or after November 1, 2007, except with leave of the Court.
4. Amended pleadings may not be filed on or after November 16, 2007, except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than November 30, 2007.
6. All *fact* discovery is to be completed no later than February 15, 2008.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 6 above:
  - a. Initial requests for production of documents to be served by November 30, 2007.
  - b. Initial Interrogatories to be served by November 30, 2007.
  - c. Depositions to be completed by February 15, 2008.

- i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
  - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
  - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
- d. Requests to Admit to be served no later than December 31, 2007.
8. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by:
  - a. Expert(s) of Plaintiff(s) December 17, 2007.
  - b. Expert(s) of Defendant(s) January 15, 2007.
9. Motions: All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements. Summary Judgment or other dispositive motions are due at the close of discovery. Pursuant to the undersigned's Individual Practices, the parties shall ~~request a pre-motion conference in writing~~ at least ~~four (4)~~ three (3) weeks prior to ~~this deadline~~ the March conference.  
*Submit pre-motion letters, if any.*
10. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery.
11.
  - a. Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge.
  - b. The parties request a settlement conference before a Magistrate Judge.
12.
  - a. Counsel for the parties have discussed the use of the Court's Mediation Program.
  - b. The parties do not request that the case be referred to the Court's Mediation Program.
13.
  - a. Counsel for the parties have discussed the use of a privately-retained mediator.
  - b. The parties do not intend to use a privately-retained mediator.
14. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions and a verdict form shall

be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.

15. Parties have conferred and their present best estimate of the length of trial is one and a half days.

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**TO BE COMPLETED BY THE COURT:**

16. [Other directions to the parties:]
17. The (next Case Management) (Final Pretrial Conference) is scheduled for  
March 5, 2008 @ 4PM.

SO ORDERED.

DATED: New York, New York  
October 23, 2007

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE